

Cran

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To:
Subject:

Please Place
this doc in new
Roza Iniz. Dist.
File
Re Court Claim 1398

#26

#

Robert F.
June 18, 2001 7:57 AM
Philip G.

New (Last Two?) Water Transfer Requests from Roza ID, WTP #2001-26 and -27

Two new Roza ID changes. More info will be coming.
rfb

-----Original Message-----

From: Stan Isley [mailto:sisley@pn.usbr.gov]
Sent: Sunday, June 17, 2001 10:59 PM
To: kransel@amrivers.org; Rickdieker@aol.com; Reichman, Alan (ATG);
tcowan@cowanwalker.com; EASTEJAE@dfw.wa.gov; renfrbr@dfw.wa.gov;
CID@eburg.com; Slattey, Ken; Coleman, Lynn E.; Barwin, Robert F.;
krdooffice@elltel.net; nsid@elltel.net; stevel@elltel.net;
mark_miller@fws.gov; lmartin@halversonlaw.com; cgarner@kid.org;
mentor@mentorlaw.com; Dale.Bambrick@noaa.gov; April Heck; Alan
Scherzinger; Christopher Lynch; Candy McKinley; Dar Crammond; David
Kaumheimer; David Murillo; Dorthey Pettit; James Esget; Jack J
Hockberger; Loren Kjeldgaard; Norbert Ries; Quentin Kreuter; Stephen
Fanciullo; Stan Isley; Susan Lawrence; Terri Thomas; Warren Sharp;
bob@roundtableassociates.com; RVanGundy@roza.org; schrammd@svid.org;
trullj@svid.org; jeffschuster@worldnet.att.net; stevensr@wsu.edu;
cpalmer@yakama.com; cranes@yakama.com; gullett@yakama.com;
ringt@yakama.com; ward@yakama.com; dlester@yakima-herald.com
Subject: Two New (Last Two?) Water Transfer Requests from Roza ID, WTP
#2001-26 and -27

6/17/01

Hello Everyone;

On Tuesday, June 12th, Ron Van Gundy faxed in to Reclamation a packet describing two new water transfer requests. With his submittal, Ron said "I believe this will be the last of them." I've assigned these water transfer proposals WTP #2001-26 and WTP #2001-27.

WTP #2001-26 is another Naches-Selah ID (NSID) to Roza ID (RID) transfer proposal (as was WTP #2001-17). NSID has filed Court Claim #01398. RID is Court Claim #0802. This is a request to transfer 0.95 cfs (425.81 gpm), 203.04 acre-feet of Price Cold Storage's NSID water, appurtenant to 89.6 acres owned by Price Cold Storage within the NSID service area, to RID for its use from June 15 through September 30, 2001. This water is requested to be transferred from NSID's non-proratable water bucket. Ron submitted, by fax, an exhibit A which lists the county parcel numbers for the affected (fallowed) NSID parcels, and a legal description of the property (short plat lots).

NSID = #17

WTP #2001-27 is a proposed transfer of water from the Fowler Ditch Association (FDA) to RID from September 15 through September 30, 2001. FDA is Court Claim #1075. RID is Court Claim #0802. Ron submitted, by fax, a copy of an FDA Board of Trustees resolution approving the transfer of 12.52 cfs, no less than 200 acre-feet and no more than 397 acre-feet of water to RID, apparently for RID's use from September 15 to September 30 (?), 2001. These FDA water rights are non-proratable.

Please review this summary carefully. I will have copies of the entire set of the faxed materials for you at our Monday meeting (June 18th at 2:00 PM), for additional information. I hope we can discuss and decide on each of these proposed water transfers at our Monday meeting. For your info.

Stan

New File Addr.

RON VAN GUNDY, MANAGER
ROZA IRRIGATION DISTRICT
PO BOX 810
SUNNYSIDE WA 98944



IN REPLY REFER TO:

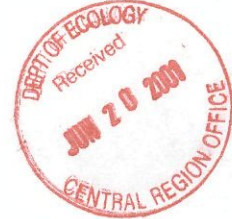
YAK-5000
WTR-1.00

United States Department of the Interior

BUREAU OF RECLAMATION

Yakima Field Office
1917 Marsh Road
P.O. Box 1749
Yakima, Washington 98907-1749

JUN 18 2001



Mr. Carter J. Fjeld
Attorney for Naches-Selah Irrigation District
Velikanje, Moore & Shore, P.S.
PO Box 22550
Yakima WA 98907

Subject: Naches-Selah Irrigation District/Roza Irrigation District - 2001 Temporary Water Transfer, WTP #2001-17

Dear Mr. Fjeld:

Tom Cowan and Ron Van Gundy, of the Roza Irrigation District (RID), provided us a copy of your June 6, 2001 letter here at Reclamation, which we discussed at our weekly 2001 drought water transfers group meeting on Monday, June 11th. Thank you for clarifying that the Naches-Selah Irrigation District (NSID) water transfer agreement with RID authorizes transfer of only 1.257 cfs, 342.16 acre-feet of NSID water to RID for its use during the 2001 irrigation season.

As your letter correctly notes, our drought group, on May 21, 2001, approved for further processing, the proposed transfer of up to (a maximum of) 1.52 cfs, 433.8 acre-feet of NSID water to RID for the 2001 irrigation season, under Water Transfer Proposal (WTP) #2001-17. The Adjudication Court, on June 7, 2001, signed an order pendente lite authorizing the transfer of up to (a maximum of) 1.52 cfs, 433.8 acre-feet of NSID water to RID for the 2001 irrigation season under WTP #2001-17.

My staff made certain assumptions in processing this proposed water transfer and in trying to quantify the NSID water right that is appurtenant to the 127.2 acres of NSID lands which were fallowed to make this water transfer to RID possible. These assumptions proved to be in error, resulting in our estimate of 433.8 acre-feet of water that would be transferable to RID. Since the actual amount of water that your district has agreed to transfer to RID for the 2001 irrigation season (totaling 1.257 cfs, 342.16 acre-feet) is smaller than the court-approved transfer quantity, we do not believe we need to approach the court with a motion to correct the court's transfer approval order of June 7, 2001.

Reclamation will debit NSID only 1.257 cfs, 342.16 acre-feet of water from its non-proratable water bucket for 2001. Reclamation will transfer only 342.16 acre-feet of water to a non-

proratable water bucket for RID. This approach was approved by the entire 2001 drought water transfers group at its June 11, 2001 meeting, as a way of ensuring proper protection of NSID's water rights and interests in this transfer transaction. If this approach is not acceptable to your client, please let us know as soon as possible.

We have attempted to expedite the processing and approval of the many 2001 drought water transfer requests we have received this spring. In trying to speed these approvals, we apparently did not provide you with an adequate opportunity to review the draft court order approving WTP #2001-17. I apologize for that oversight. I assure you that the RID and its counsel has been fully involved in the water transfer process, and also that the NSID (Terry Barnett) has attended at least one of our weekly drought meetings and is on our e-mail distribution list, receiving our group informational mailouts. We were unaware that NSID was inadequately informed as we processed WTP #2001-17. We will ensure that NSID is fully in the loop on any future water transfer proposals involving the NSID.

I hope this information helps you. Let me know if I can be of any further assistance. Thank you again for providing us with the correct information as to the quantity of water you transferred to RID under WTP #2001-17.

Sincerely,



David G. Murillo
Yakima Field Office Manager

cc: Mr. Ron Van Gundy
Roza Irrigation District
PO Box 810
Sunnyside WA 98944

Mr. Tom Cowan, Attorney
Cowan & Walker, P.S.
503 Knight St., Suite A
Kennewick WA 99352

Mr. Bob Barwin
Washington State Department of Ecology
15 West Yakima Av., Suite 200
Yakima WA 98902

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
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- Consult postmaster for fee.

3. Article Addressed to:

RON VAN GUNDY, MANAGER
ROZA IRRIGATION DISTRICT
PO BOX 810
SUNNYSIDE WA 98944

4a. Article Number
2105-6580

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

JUN 26 2001

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PS Form 3811, December 1994

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Total Postage & Fees	\$	

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Roza Irrigation District Ron Van Gundy

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City, State, ZIP+4

See Reverse for Instructions

7000 0520 0023 2105 6580

PS Form 3800, February 2000



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 25, 2001

CERTIFIED MAIL

Ron Van Gundy, Manager
Roza Irrigation District
PO Box 810
Sunnyside WA 98944

RE: Emergency Drought Change Authorization
(Roza Irrigation District, Court Claim No. 1398; Cause No. 77-2-01484-5)

Enclosed please find a copy of the Department of Ecology's Emergency Drought Change Authorization(s). This report constitutes our determination and order regarding the above-referenced application for change. If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the Order was mailed** in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
010642a

Enclosures: Emergency Drought Change Authorization(s)

f-lch.doc

FILE COPY





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 25, 2001

To: Carroll Palmer, Yakama Nation

RE: **Emergency Drought Change Authorization re: US Bureau of Reclamation
(Court Claim No. 01863; Cause No. 77-2-01484-5)**

**Emergency Drought Change Authorization re: Roza Irrigation District
(Court Claim No. 1398; Cause No. 77-2-01484-5)**

Enclosed are copies of the Department of Ecology's Emergency Drought Change Authorization(s), which constitutes our determination and order regarding the above-referenced application(s). If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the Order was mailed in the same manner described above.**

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
010642b

Enclosures: Emergency Drought Change Authorization(s)

f-10th.doc

